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राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 25 फरवरी, 1978/6 फाल्गुन, 1899

हिमाचल प्रदेश सरकार
TRANSPORT DEPARTMENT

NOTIFICATION

Simla-2, the 17th February, 1978

No. TPT. 6-27/76.—In exercise of the powers conferred by section 3A of the Himachal Pradesh Passengers and Goods Taxation Act, 1955, the Governor of Himachal Pradesh is pleased to amend the Himachal Pradesh Passengers Insurance Scheme, framed *vide* notification of even number, dated the 18th November, 1977 to the following extent:—

AMENDMENT

‘Sub-clause (b) of clause 1 of the Himachal Pradesh Passengers Insurance Scheme, shall be omitted and the existing sub-clause (c) thereof shall be re-numbered as sub-clause (b)’.

B. C. NEGI,
Secretary.

LAW DEPARTMENT

NOTIFICATIONS

Simla-171002, the 17th February, 1978

No. LLR-D(6) 34/77.—The Himachal Pradesh Urban Estates (Development and Regulation) (Amendment) Bill, 1977 (Bill No. 22 of 1977) after having received the assent of the Governor of Himachal Pradesh on the 15th February, 1978 is hereby published in the *Rajpatra*, Himachal Pradesh as Act No. 7 of 1978 for the information of general public.

Act No. 7 of 1978.

THE HIMACHAL PRADESH URBAN ESTATES (DEVELOPMENT AND REGULATION) (AMENDMENT) ACT, 1977

AN
ACT

to amend the Himachal Pradesh Urban Estates (Development and Regulation) Act, 1969 (Act No. 26 of 1969).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Urban Estates (Development and Regulation) (Amendment) Act, 1977.

Short title,
extent and
commencement.

(2) It shall extend to the whole of the State of Himachal Pradesh.

(3) It shall be deemed to have come into force on the 25th day of January, 1971.

2. In sub-section (1) of section 8 of the Himachal Pradesh Urban Estates (Development and Regulation) Act, 1969, for the words and figures, "the Punjab Municipal Act, 1911" the words and figures, "the Himachal Pradesh Municipal Act, 1968" shall be substituted.

Amendment
of section
8.

of 1969.
1911.
1968.

Simla-171002, the 21st February, 1978

No. LLR-D (6) 35/77.—The Himachal Pradesh Urban Rent Control (Amendment) Bill, 1977 (Bill No. 26 of 1977) after having received the assent of the Governor of Himachal Pradesh on the 18th February, 1978 is hereby published in the Rajpatra, Himachal Pradesh as Act No. 9 of 1978 for the information of general public.

JAI CHAND MALHOTRA,
Secretary.

Act No. 9 of 1978.

THE HIMACHAL PRADESH URBAN RENT CONTROL
(AMENDMENT) ACT, 1977

AN

ACT

further to amend the Himachal Pradesh Urban Rent Control Act, 1971 (Act No. 23 of 1971).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Urban Rent Control (Amendment) Act, 1977.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. After section 14 of the Himachal Pradesh Urban Rent Control Act, 1971 (hereinafter called the principal Act) the following new sections 14-A and 14-B shall be inserted, namely:—

Insertion of
new sections
14-A and
14-B.

“14-A. Right to recover immediate possession of premises to accrue to certain persons.—(1) Where a landlord who, being a person in occupation of any residential premises allotted to him by the Central Government, the State Government or any local authority is required, by, or in pursuance of, any general or special order made by the Central or State Government or local authority, as the case may be, to vacate such residential accommodation, or in default, to incur certain obligations, on the ground that he owns, within the urban area a residential accommodation either in his own name or in the name of his wife or dependent child, there shall accrue, on and from the date of such order, to such landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implied), custom or usage to the contrary, a right to recover immediately possession of any premises let out by him:

Provided that nothing in this section shall be construed as conferring a right on landlord owning, within the urban area, two or more dwelling houses, whether in his own name or in the name of his wife or dependent child, to recover the possession of more than one dwelling house and it shall be lawful for such landlord to indicate the dwelling house, possession of which he intends to recover.

(2) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract, custom or usage to the contrary, where the landlord exercises the right of recovery conferred on him by sub-section (1), no compensation shall be payable by him to the tenant or any person claiming through or under him and no claim for such compensation shall be entertained by any court, tribunal or other authority :

Provided that where the landlord had received,—

- (a) any rent in advance from the tenant, he shall, within a period of ninety days from the date of recovery of the possession of premises by him, refund to the tenant such amount as represents the rent payable for the un-expired portion of the contract, agreement or lease;
- (b) any other payment, he shall, within the period aforesaid, refund to the tenant a sum which shall bear the same proportion to the total amount so received, as the un-expired portion of the contract or agreement, or lease bears to the total period of contract or agreement or lease :

Provided further that, if any default is made in making any refund as aforesaid, the landlord shall be liable to pay simple interest at the rate of six per cent per annum.

14-B. Special procedure for the disposal of applications for eviction on the ground of bona fide requirement under section 14-A.—(1) Every application by a landlord for the recovery of possession of any premises on the ground specified in sub-section (1) of section 14-A shall be dealt with in accordance with the procedure specified in this section.

(2) The Controller shall issue summons, in relation to every application referred to in sub-section (1), in the form specified in Schedule II.

(3) (a) The Controller shall, in addition to, and simultaneously with, the issue of summons for service on the tenant, also direct the summons to be served by registered post, acknowledgement due, addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the circumstances of the case so require, also direct the publication of the summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carried on business or personally worked for gain.

(b) When an acknowledgement purporting to be signed by the tenant or his agent is received by the Controller or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent had refused to take delivery of the registered article, the Controller may declare that there has been a valid service of summons.

(4) The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) in the form specified in Schedule II shall not contest the prayer for eviction from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.

(5) The Controller shall give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for the recovery of possession of the premises on the ground specified in sub-section (1) of section 14-A.

(6) Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing of the application as early as practicable.

(7) Notwithstanding anything contained in section 14, the Controller shall, while holding an enquiry in a proceeding, follow the practice and procedure of a Court of Small Causes, including the recording of evidence.

(8) No appeal or second appeal shall lie against an order for the recovery of possession of any premises made by the Controller in accordance with the procedure specified in this section :

Provided that the High Court may, for the purposes of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such orders in respect thereto as it thinks fit.

(9) Where no application has been made to the High Court on revision, the Controller may exercise the powers of review in accordance with the provisions of Order XLVII of the First Schedule to the Code of Civil Procedure, 1908.

(10) Save as otherwise provided in this section, the procedure for the disposal of an application for eviction on the ground specified in sub-section (1) of section 14-A shall be the same as the procedure for the disposal of applications by the Controller.

3. In clause (b) of sub-section (1) of section 21 of the principal Act the words, "Any person aggrieved by an order passed by the Controller" shall be substituted with the words, "Save as otherwise provided in this Act, any person aggrieved by an order passed by the Controller".

Amendment
of section
21.

4. In the Schedule to the principal Act, the words "THE SCHEDULE" shall be substituted with the words and figure "SCHEDULE-I" and after the existing Schedule so amended the following Schedule-II, shall be inserted namely:—

Insertion of
Schedule-II.

"SCHEDULE-II
[See section 14-B (2)]

FORM OF SUMMONS IN A CASE WHERE RECOVERY OF
POSSESSION OF PREMISES IS PRAYED FOR ON THE GROUND
OF A BONA FIDE REQUIREMENT UNDER SUB-
SECTION (1) OF SECTION 14-A.

To

(Name, description and place of residence of the tenant)

WHEREAS Shri.....has filed an application

(a copy of which is annexed) for your eviction from (here insert the particulars of the premises) on the ground specified in sub-section (1) of section 14-A;

You are hereby summoned to appear before the Controller within fifteen days of the service hereof and to obtain the leave of the Controller to contest the application for eviction on the ground aforesaid; in default whereof, the applicant will be entitled, at any time after the expiry of the said period of fifteen days, to obtain an order for your eviction from the said premises.

Leave to appear and contest the application may be obtained on an application to the Controller supported by an affidavit as is referred to in sub-section (5) of section 14-B.

Given under my hand and seal this day of 19 .

Controller".

कार्यालय ज़िलाधीश, सिरमौर

अधिसूचना

नाहन-173001, 20 फरवरी, 1978

सं 0 7-एस 0 एम 0 आर 0 2(229)/77-इलैक 0—हिमाचल प्रदेश नगरपालिका अधिनियम, 1968 की धारा 23 (1) तथा हिमाचल प्रदेश नगरपालिका निर्वाचन नियमावली, 1970 के नियम 84 (9) का अनुसरण करते हुए मैं, पी 0 एस 0 राणा, ज़िलाधीश, ज़िला सिरमौर, हिमाचल प्रदेश नगरपालिका पांवटा साहिब के लिए उपरोक्त नियमों के नियम 84(2) तथा नियम 84(7) के अन्तर्गत निर्वाचित घोषित किये गये प्रधान तथा उप-प्रधान के नाम जनसाधारण की सूचना हेतु अधिसूचित करता हूँ :—

| नगरपालिका का नाम | निर्वाचित प्रधान का नाम तथा पता | निर्वाचित उप-प्रधान का नाम तथा पता |
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पांवटा साहिब

श्री प्रेम चन्द गुप्ता, वार्ड नं 0 4,
पांवटा साहिब, ज़िला सिरमौर,
हिमाचल प्रदेश ।

श्री देव राज, वार्ड नं 0 7, पांवटा
साहिब, ज़िला सिरमौर,
हिमाचल प्रदेश ।

स्थान : नाहन

दिनांक : 20 फरवरी, 1978 ।

पी 0 एस 0 राणा,
ज़िलाधीश, ज़िला सिरमौर, नाहन ।

उप-नियन्त्रक, मुद्रण तथा लेखन-सामग्री, हिमाचल प्रदेश, शिमला-3 द्वारा मुद्रित तथा प्रकाशित ।